IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Bail Appl..No. 3163 of 2007

CP.30/2003 of J.M.F.C., PARAVOOR
CRIME NO.39/1999 OF EXCISE RANGE, CHATHANNOOR

.....

PETITIONER/ACCUSED NO.2

ANIL PRASAD S/O.SIVA PRASAD,
RESIDING AT SP LAND, CHIRAYINKEZHU VILLAGE,
CHIRAYINKEZHU TALUK.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESH KUMAR

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.3163/2007

DATED: 30-5-2007

O R D E R

Petitioner who is the second accused in Crime No.39/1999 of Chathannoor Excise Range for an offence punishable under Section 8(2) of the Abkari Act, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner, the case against the petitioner has been transferred and re-filed as C.P. No.30/2003 on the file of the J.F.C.M-I, Paravoor. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of.

V.RAMKUMAR,
JUDGE.

mrcs